

STATE WINS BIG SUIT FOR TAXES

(Continued From First Page.)

Built New Lines. Major William A. Anderson, then Attorney-General, determined to test the matter thoroughly. He found that this railroad had, after the new Constitution went into effect, accepted the provisions of an act of the Legislature which permitted it to straighten its track, and in doing so, to abandon part of its old line and occupy new ground. This was taken as an extension of its charter rights, and as such, a surrender of its exemptions.

This view is now taken by the Supreme Court. The opinion was written by Judge George M. Harrison. After holding that the Commonwealth had the right to show in the way that it did that the road was no longer exempt, the court holds that the act of the Legislature permitting the rebuilding materially enlarged the rights of the Commonwealth. The opinion is written by Judge George M. Harrison. After holding that the Commonwealth had the right to show in the way that it did that the road was no longer exempt, the court holds that the act of the Legislature permitting the rebuilding materially enlarged the rights of the Commonwealth. The opinion is written by Judge George M. Harrison.

Directors Powerless. As to further actions by the directors, alleged to mean enlargement of enlarged powers under the old Constitution instead of under the new, the court holds that the directors had no power to accept such amendments, this right resting with the stockholders. Therefore, the meetings of May and June, 1902, were void.

The opinion further calls attention to the fact that in the report of the directors to the stockholders in November, 1902, a reference was made to resolutions accepting amendments. The money for the work was appropriated in January, 1903.

The court therefore holds that the amendments tendered by the Legislature were not accepted until after July 10, 1902, the date the new Constitution became effective, and that there was implied acceptance after that date, carrying with it surrender of exemptions from taxation of special privileges.

Reverses Decision. Therefore the Supreme Court of Appeals ordered the entry of judgment such as should have been entered by the Circuit Court of the City of Richmond, whose decision is reversed.

It was a general rejoicing about the Capitol yesterday over the decision. Attorney-General Williams and former Attorney-General Anderson were especially pleased at the outcome of the labor which they have put into this litigation.

It is recalled that the actions of the company which the Supreme Court says constitute an implied acceptance of an amendment to its charter, took place during the administration of Major E. D. T. Myers, the former president, prior to the presidency of William H. White.

RAILROAD HAD LARGE EXEMPTION

Owens Valuable Real Estate in Richmond, on Which It Pays Nothing.

Unless the Federal courts rule otherwise, the city of Richmond may be the gainer by from \$10,000 to \$50,000.

You can buy a dozen cans of GOOD LUCK
The Patented Tin Foil Cans in which Good Luck Baking Powder is packed prevent deterioration. "Good Luck" could not be sold regularly in solid carload lots if it did not fully retain its High Leavening Power.

At your grocer's.
The Southern Manufacturing Company,
Richmond, Va.

Good Luck

Whitney Carriages and Go-Carts

A full line of unusually choice Furniture.

Many specials for the next few days.

Sydor & Hundley, Inc.
Furniture for the Home
Beautiful,
709-11-13 East Broad Street.

Sauers
THE BEST FLAVORING EXTRACTS
AT WHOLESALE AND RETAIL

Birmingham Citizen Swears to Remarkable Statement

I want to tell you what Dr. Kilmer's Swamp-Root did for my wife. She was troubled with terrible pains in her back, and they were such that they deprived her of many nights' sleep. There was a thick red sediment in her urine, like brick dust. The passage of the urine was very annoying, being of a burning sensation, and the complication was making her very thin and weak. The medicine which the doctor gave her did not seem to help her, and she was finally persuaded to try Dr. Kilmer's Swamp-Root. She purchased one bottle of the large size for her, and it helped her greatly. After she had taken three bottles she did not have any more trouble with her kidneys. It has been seven years since she took Swamp-Root, and she is now well and healthy. At the time of her kidney trouble she weighed 120 pounds, and she now weighs 185. My wife is thirty-two years of age, and cheerfully recommends Dr. Kilmer's Swamp-Root to her friends, and feels very thankful that she found a remedy with such wonderful merit.

We give you absolute permission to publish this in any way you wish. Yours very truly,
D. R. RIDENHOUR,
Cor. 4th Ave. and 20th St.,
Birmingham, Ala.

Letter to Dr. Kilmer & Co., Birmingham, N. Y.
I, E. G. Stevens, a Notary Public in and for said State and County, certify that D. R. Ridenhour, known to me as such personally appeared before me this 5th day of July, 1909, and made oath that the above statement was true in substance and fact.

E. G. STEVENS,
Notary Public.
Jefferson County, Alabama.

Prove What Swamp-Root Will Do For You.

Send to Dr. Kilmer & Co., Birmingham, N. Y., for a sample bottle. It will convince any one. You will also receive a booklet of valuable information, telling all about the kidneys and bladder. When writing, be sure and mention the Richmond Daily Times-Dispatch. Regular fifty-cent and one-dollar size bottles for sale at all drug stores.

A year under the decision of the Virginia Supreme Court in regard to the

TECHNICALLY SENDS HIM TO DEATH CHAIR

Supreme Court Refuses to Interfere in Case of Dallas Wright, but Gives Negroes Convicted With Him a New Trial—Many Cases Decided.

One of the most remarkable situations in the history of criminal prosecutions in Virginia has arisen in the case of W. Dallas Wright, the white man, who is under sentence of death for the murder of the Stuart brothers, in Buckingham county. Because of a technicality, the Supreme Court of Appeals, in a decision handed down yesterday, refuses him a new trial, yet grants new trials to the two negroes who are executed with him, and against whom the evidence is identical with that in the Wright case.

In view of this unique condition of affairs, Judge George M. Harrison, voicing the opinion of the court, says that the technicality which was not in position to give the same measure of relief to Wright that it grants to the negroes. This statement is made, the court says, in the event Wright is advised to apply for executive interference in his behalf.

Will Ask Delay. This will almost undoubtedly be followed by an appeal to Governor Mann for at least a stay of execution pending the trial of the cases against the alleged accomplices. Inasmuch as the evidence in the present case is identical with that of the coming trials will determine Wright's fate, unless the Governor should see fit to interfere in all three instances.

Wright, with Ed. Jones and Richard Perkins, was indicted for the murder of Tom and Bill Stuart, two aged men who lived alone in their cabin. They were reputed to be misers and to have much money secreted. A reward was offered, but it was some time before any arrests were made. Then two negroes made confessions or statements, charging the three men with the crime. The witnesses said they had been forced to accompany the murderers. This evidence was most vigorously attacked by counsel for the prisoners, but up to this time convictions were secured in all three cases.

Technical Point. In Wright's case the Commonwealth alleged that the bills of exceptions upon which the appeal was based were not signed and made a part of the record while the court was in session or within thirty days after its adjournment. Sixty days was allowed in which to file the appeal, and a sort of amended order was entered.

The Supreme Court holds that the Circuit Court of Buckingham county had no power to amend an order after adjournment. During the term, says Judge Harrison, the record is in the breast of the court, but afterwards the record can be changed only in cases where it can be most safely done, and where it is not based on the recollection of the judge.

Therefore, the new trial is not allowed, and the judgment of the lower court is affirmed.

Denounces Officer. Denunciation of the act of a deputy sheriff in Buckingham county and criticism of other officials, is the feature of the opinion written by Judge S. G. Whittle in granting a new trial to Ed. Jones and Richard Perkins, who were indicted with W. Dallas Wright for the murder of the Stuarts. The evidence shows that an officer took Perkins from his home without a warrant which was exhibited. They were met by a mob, which strung Perkins up time after time in the effort to extort a confession, which was not secured. Then Perkins was discharged by the deputy with instructions to report at the courthouse the next day, which order was obeyed.

"It is not possible to read the evidence bearing upon this episode," says the opinion, "without being satisfied that the deputy sheriff connived at this partial lynching of his prisoner." In addition, the court finds that other officials must have had some knowledge of this outrage, for they refused to testify on the ground that they might incriminate themselves.

In view of the excited condition of public feeling and of inflammatory editorials published in a local paper there should, says the court, have been a

Richmond, Fredericksburg and Potomac Railroad tax exemption, according to rough estimates made by Special Accountant George C. Croshaw yesterday. Hitherto the road has claimed an entire exemption from all State and city taxes, but the action of the court in reserving Judge Scott, of the City Circuit Court, and declaring that the railroad surrendered its tax exemption in 1903, may make it liable for taxes on all of its real estate in the city, and as the general offices are in Richmond, taxes are also to be paid here on personal property, including rolling stock, engines, cars, and equipment.

The Chesapeake and Ohio Railway Company, which also has its general offices here, pays the city of Richmond approximately \$120,000 per year in taxes. Richmond, Fredericksburg and Potomac has much less income, but is a double-tracked and busy road. It owns real estate in Richmond valued by the State assessors in a recent report at \$1,025,000.

This Includes Property on both sides of Broad Street occupied by railroad yards and freight depots, and other valuable lots. The company also owns property to the value of \$75,000 on which it does not claim tax exemption, since it is held as an investment and not used for railroad purposes; this property including the Richmond baseball park, owned by the railroad, and purchased with the intention of converting it into freight yards. The rolling stock of the company and personal property having always been claimed as exempt, have never been assessed by the State Corporation Commission, and it will be necessary for that body to determine and report on the amount and value of property which now becomes taxable. Inasmuch as the decision affects taxes since 1903, financial officers of the city believe that the city will draw something like \$250,000 in back taxes and hereafter realize from \$10,000 to \$50,000 a year from a source hitherto exempt. The tax on real estate alone will amount to \$14,550 per year, and the company is believed to own rolling stock to the value of \$2,500,000, which would yield \$35,000 per annum.

Much of the real estate of the company has greatly increased in value under the new assessment, and back taxes, if collected, will be based on lower valuations than will obtain hereafter.

Besides the interest of the city of Richmond, Henrico county is largely interested, as the company is the owner of large acreage extending from the city limits through its yards and shops on to Acca Station, and beyond, all of which has hitherto been held to be exempt from taxation.

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How to Make Better Cough Syrup than You Can Buy

A Family Supply, Saving \$2 and Fully Guaranteed.

A full pint of cough syrup—as much as you could buy for \$2.50—can easily be made at home. You will find nothing that takes hold of an obstinate cough more quickly, usually ending it inside of 24 hours. Excellent, too, for whooping cough, sore lungs, asthma, hoarseness and other throat troubles.

Mix 1 pint of granulated sugar with 3/4 pint of warm water and stir for 2 1/2 hours. Put 2 1/2 ounces of Pinex (50 cents a quart) in a pint bottle; then add the Sugar Syrup. It keeps perfectly. Take a teaspoonful every one, two or three hours.

This is just laxative enough to help cure a cough. Also stimulates the appetite, which is usually upset by a cough. The taste is pleasant.

The effect of pine and sugar syrup on the inflamed membranes is well known. Pinex is the most valuable concentrated compound of Norway white pine extract, rich in guaiacol and all the natural healing pine elements. Other preparations will not work in this formula. The Pinex and Sugar Syrup recipe is now used by thousands of householders throughout the United States and Canada. The plan has been imitated, but the old successful formula has never been equaled.

A guarantee of absolute satisfaction, or money promptly refunded goes with this recipe. Your druggist has Pinex or will get it for you. If not send to The Pinex Co., Ft. Wayne, Ind.

was alleged had been improperly inspected and condemned by Holdsworth. Judgment was given for \$510, which was sustained by the Law and Equity Court on an appeal.

The Supreme Court, through Judge Harrison, says that the constitutional point as to a city ordinance, which Holdsworth was given for \$510, of the suit, is not at issue, and that only the money is at stake. This being less than the amount appealable to the highest court, the latter has no jurisdiction.

Crops Cannot Be Seized. An entirely new point in Virginia is settled in the case of the crops of Shackleton, sheriff, from the Circuit Court of Lunenburg county. Judge James Keith, in the opinion, says that this is the first decision on the matter in this State.

Noble had covered his farm with a homestead exemption. A levy was made on his crop of tobacco, the contention being that the yield or usufruct of a farm is not exempt. The opinion says that the crops should be sold in the field and become of value only when harvested. It is the court's object, it says, to construe the Constitution and the laws so as to advance humane purposes. To deny exemption to crops would be to deprive the husband and wife of the benefit of the homestead exemption, vain and illusory. Therefore the decision of the lower court in sustaining the levy is reversed.

Contract Must Rule. "Contracts which men make constitute the law which govern them unless the contract be one which the law prohibits, or which is held to be violative of some public policy," says Judge Keith in affirming the decision of the Law and Equity Court in the case of the South Atlantic Life Insurance Company. The plaintiff's husband had taken a policy of insurance, making application one day before the medium between his birthday and the day of his death.

He did not meet his payments and gave a note, which was overdue when he was seized with his fatal illness. Then his father-in-law offered to pay the note, but payment was refused unless accompanied by a certificate of good health, which, of course, could not be given. The man died, and it was contended that the date of the policy should be the time when it was delivered, instead of when application was made. This case would seem to uphold the contract, and consequently it upholds the action of the Law and Equity Court in giving judgment for the company on demurrer.

Did Not Give Answers. Another life insurance case comes up from the Circuit Court of Richmond, and is affirmed in an opinion by Judge Harrison. Dr. W. W. J. Talley held a policy in the Metropolitan Life Insurance Company, payable to his mother, Edith M. Talley. It appeared from the record that Dr. Talley did not give the fullest answers to the questions in his application, thus violating a section of the policy, the application being a part of the contract. The company therefore wins this suit.

Loan Made to Hotel. A large amount of money is involved in the case of the Atlantic Trust and Deposit Company against the Union Bank of the City of Richmond, from the Law and Chancery Court of the city of Norfolk. This was an action for debt on a penal bond, in which judgment was given for \$25,187.50. The Union Title and Trust Corporation loaned the Victoria Hotel Corporation the sum of \$70,000 to build a \$90,000 hotel.

The question involved was as to whether or not it was permissible to show that loans were made on different terms, if it appeared that the difference was known to the Atlantic Company when the loans were made.

Finest for Liquor Selling. John T. Williams loses in his appeal against the Commonwealth, from the Circuit Court of Gloucester county. Williams was fined \$30 and costs on a charge of selling liquor without a State license. It being shown that the evidence showed that a United States license had been issued to John T. Williams & Son. The possession of such license is evidence in Virginia.

The point made was that the license was in the name of the firm, while the indictment was against an individual, Judge Whittle, in an opinion, affirming the case, says that it is settled that joint offenders can be prosecuted severally.

Richmond's Bank Practice. Judge Whittle, in an opinion, affirming the decision in the case of Aspergren & Company against the Wallerstein Produce Company, from the Law and Equity Court of the city of Richmond, which is also affirmed, Aspergren & Company contracted to sell to Wallerstein, a Richmond concern, five cars of evaporated apples of 30.00 pounds each during the month of December, 1907. Wallerstein sold one car in St. Louis and ordered its shipment.

Thereupon the New York house sent a sight draft for \$2,533.06 for 300 bags of apples. The draft arrived in Richmond on Saturday, and, according to banking custom here, would ordinarily have been held until Monday. But this time, under instructions from Aspergren, it was returned, then the lat-

HEADS REVOLUTIONARY BAND



EX-PRESIDENT BONILLA, OF HONDURAS.

Mobile, Ala., January 12.—Officers of the Norwegian steamer Pjell, arrived to-day, report conditions practically unchanged in Honduras. The capture of Truxillo by Bonilla's forces, the officers say, has not affected business conditions to any extent, although Bonilla and General Lee Christmas are besieging several coast towns, there has been no fighting of consequence.

The whereabouts of the gunboat Hornet is unknown, but the Honduran gunboat, the Estrella, is in the harbor at Puerto Cortes. The United States cruiser Tacoma, is keeping a sharp lookout for filibusters. The revolutionists have made headquarters on Turtan Island, where they are in complete control.

ter sold the apples, which had been held by the railroad company on orders, and charged Wallerstein with the difference between the selling and contract prices, later suing for the sum.

A verdict was given for defendant, which the Supreme Court says was just. It calls attention to the fact that large dealings had been going on between the firms, and reasonable delay in payment might have been allowed.

Holds Life Estate. In the case of W. S. Conrad, trustee, against Sally M. Quinn and others, from the Chancery Court of the city of Richmond, the decision of the lower court is affirmed. The question is the construction of the will of J. M. Conrad, deceased. He divided his estate between his three daughters and their issue after them, making his son, Charles E. Conrad, the trustee.

The court holds that Mrs. Quinn has a life estate only in her share of her father's estate, as she has since married, and her children become the beneficiaries after her death.

Decisions in Other Cases. Other cases decided yesterday were as follows: Adams against Cumby, from the Corporation Court of the city of Lynchburg, reversed. Opinion by Judge Keith.

Dale Carter's heirs against Kernan Cooper, and Dale Carter's heirs against Nathaniel Sheen; reversed. Opinion by Judge Harrison.

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McGraw-Yarbrough Co. Plumbers' Supplies
122 S. Eighth St., - Richmond, Va.
Out-of-town orders shipped quickly.

We can now supply a few more customers with
PURE MILK AND CREAM
Milk 10c qt.,
Cream 40c qt.

MINIBORYA FARM
Madison 6912. 109 E. Broad.

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A CABLE AD EVERY DAY

If the Piano Corner in Your Home is Still Unfilled

let us show you how well, how cheaply and upon what favorable terms we can fill it.

4 NEW Uprights, full size, best \$250 grade, Eastern make. This week..... \$160

1 Hardman Upright, second-hand, but in good order..... \$175

2 Kingsbury Uprights, \$350 grade. Used but in excellent order..... \$265

1 \$250 DeKoven Upright. Used but in good order..... \$190

1 \$1,000 Steinway Grand. Has seen considerable use, but in good order..... \$250

1 Conover Grand. Regular price \$850. Slightly used. In excellent order..... \$550

Cable Piano Co.
Mad. 2734 213 E. Broad

Appeals yesterday refused to grant a writ of error, is now confined in the Henrico county jail. He was Ed. Jones and Richard Perkins, negroes, were brought here by the sheriff of Buckingham several weeks ago for safekeeping. All three were convicted of murdering the Stuart brothers and afterwards burning their home. In the case of the negroes the higher tribunal yesterday allowed a writ of error.

It is not likely that Wright will be sent back to Buckingham, but will remain in the Henrico jail until he is sent to the penitentiary for execution.

FAIR STABLES BURNED.

All Animals in Buildings, Except One Mule, Rescued.
[Special to The Times-Dispatch.]—The fire which broke out at 12 o'clock yesterday on the fair grounds of the Cumberland County Agricultural Society, on the outskirts of this city, containing about twenty-five horses and mules, were burned this afternoon. With the exception of a sick mule belonging to the county all the animals were rescued from the flames. Fifteen of the horses were the property of the C. L. Beville stables, while four were the property of the Trainer John Schroeder. One of the thoroughbreds was burned, though not seriously. There was no insurance on the buildings.

CAPE LOOKOUT ADVOCATED.
Objection to Engineers' Selection of Site for Harbor of Refuge.
Beaufort, N. C., January 12.—Opposition to the building of the harbor of refuge at Cape Hatteras, which has been decided upon by government engineers having charge of the project, has developed here, and the Chamber of Commerce will meet to-morrow night to advocate Cape Lookout for the sailors' haven.

The chamber will lay particular stress on the shifting sands of Cape Hatteras, and the shoals which move up and down the coast for half a mile. They say that to build the harbor where the engineers have selected it would mean the expenditure of three times as much as it was built at Cape Lookout.

Children Cry FOR FLETCHER'S CASTORIA

The Wood Man

Is getting in several lots of the best Oak and Pine, cut to his order. If you buy during the next two weeks you will be pleased, because it is sound, heat-giving wood.

His Coal all burns to all ashes.

Phone Madison 1069.

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W. E. Tanner. John F. Tanner

PAINTS, STAINS, BRUSHES

Tanner Paint & Oil Co.
THE ORIGINALS,
1419 East-Main Street.
Phones Madison 399 and 1209

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